

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 21 and 23-39. Claims 21-39 are rejected. Claim 40 is objected to. Claims 22 and 40 are cancelled herein without prejudice. Claims 21 and 39 are amended herein. No new matter has been added.

DOUBLE PATENTING REJECTION

Claims 21-23, 26 and 29-38 are rejected under the judicially created (nonstatutory) doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of commonly owned U.S. Patent No. 6,651,193. A terminal disclaimer in compliance with 37 CFR §1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

Allowable Subject Matter

Applicants wish to thank the Examiner for the indication that Claims 22, 23 and 32-37 would be allowable if the double patenting rejection is rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants also wish to thank the Examiner for the indication that Claim 40 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended independent Claim 21 to include the embodiment recited in Claim 22, have amended independent Claim 39 to include the embodiment

recited in Claim 40. Applicants note that Claim 32 is in independent form, and that Claims 33-37 depend therefrom, thus amendment of Claims 32-37 is not required.

REJECTIONS

35 U.S.C. § 102(e) – Claims 21, 24-31 and 39

The instant Office Action states that Claims 21, 24-31 and 39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,295,585 by Gillett, Jr. et al., hereinafter referred to as “Gillett.” As amended herein, independent Claim 21 is amended to include the embodiment recited in allowable Claim 22, and independent Claim 39 is amended to include the embodiment recited in allowable Claim 40, and thus independent Claims 21 and 39 are now in condition for allowance. Accordingly, Claims 21, 24-31 and 39 are also allowable as being dependent on an allowable base claim, and hence a discussion of the rejection under 35 U.S.C. § 102(e) is moot at this time.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 21 and 23-39 overcome the rejections of record. For reasons discussed herein, Applicants respectfully request that Claims 21 and 23-39 be considered for allowance. Therefore, allowance of Claims 21 and 23-39 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
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